



40 **Consideration of the Minutes- February 18, 2009**

41  
42 Chairman Rodney Needham called for the consideration of the minutes from the February  
43 18, 2009 meeting. Vice Chairman Terri Griffin made a motion to approve the minutes from  
44 the February 18, 2009 meeting as written. Calvin Leary seconded the motion. The motion  
45 was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members  
46 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting  
47 no; 1 absent; none not voting.

48  
49 **Comments from the Public.**

50  
51 Although there were many members of the community present at this evenings meeting, they  
52 were all here to speak in regard to the request made by E & J Holdings / Xe aka Blackwater  
53 USA to amend their Conditional Use Permit to allow extended hours of operation, and use of  
54 concussion type explosives.

55  
56 No member of the community present at this evenings meeting spoke during the 'Comments  
57 from the Public' section of the meeting.

58  
59 **Old Business**

60  
61 None.

62  
63 **New Business**

64  
65 ***Item #1 Presentation from Tommy Burk (GIS Technician) on Highway 158 Corridor***

66  
67 Tommy Burk made a presentation showcasing what could possibly be developed along US  
68 Hwy 158 for the future of Camden County. His presentation took into account the Hwy 158  
69 widening project.

70  
71 ***Item #2 Amendment to 151.232-Design Standards and Criteria for Major Subdivisions***

72  
73 Dave Parks described this issue: This proposed ordinance amendment has to do with design  
74 standards for developments, for state road acceptance. Right now there are about 6 or 7  
75 developments with roads that have not been accepted by the state, those developments have  
76 petitioned the state for acceptance... Planning Staff is submitting proposed ordinance changes  
77 pertaining to road acceptance by NCDOT:

78  
79 New ordinance language (changes) under (A) Streets and Roads, paragraph  
80 (5) Construction Standards, proposed change: once the development meets the  
81 minimum housing requirements for state road acceptance, the developer  
82 petitions NCDOT for state road acceptance. After NCDOT has inspected and  
83 approved the road for acceptance, the developer has 12 months to turn over  
84 the road to the state.  
85

86 Rodney Needham asked what the minimum number of homes in regard to minimum housing  
87 requirements that would be required for NCDOT road acceptance was. Dave Parks and  
88 Eddie Hyman of Hyman and Robey both spoke to answer this question saying that the  
89 minimum number of homes was 4. Dave Parks said that it would also apply to housing  
90 projects that are in phases, they can't move on to their next phase until the roads are accepted.  
91

92 Rodney Needham questioned why 12 months is being given to turn over the roads to the  
93 state. Dave Parks said this was to give them time to address the paving, construction, etc, so  
94 the roads can be brought up to NCDOT standards.  
95

96 Rodney Needham further asked: "If the developer has met all the requirements that the state  
97 requires of it for accepting the roads, why wouldn't the state accept the roads at that point,  
98 then the maintenance be given to the state at that point?" Dave Parks responded saying that  
99 the developer puts up a bond equal to 30% of the construction costs for the paving portion  
100 and maintenance of the roads, which are private at that point until they meet state standards  
101 and are accepted by NCDOT. Dan Porter added that there might be a little confusion on this  
102 and offered clarification. He said that once the development meets the standards for  
103 minimum housing standards (number of houses), NCDOT at that point does not accept the  
104 roads, what they do is they come out and inspect the roadway, determine, and notify the  
105 developer of what needs to be done to drainage ditches, culverts, any bad spots on the roads,  
106 etc, to bring the road up to NCDOT standards. This all takes time for the developer to  
107 engineer it and undergo any needed construction to correct any bad spots or changes as  
108 required by NCDOT prior to road acceptance.  
109

110 Calvin Leary asked who is responsible for maintaining roads until they are accepted by the  
111 NCDOT, the homeowner or developer? Dave Parks responded saying that the developer is  
112 responsible for upkeep on the roads until acceptance.  
113

114 The other issue with proposed changes is boundary requirements. The intent of this change  
115 is to segregate commercial and agricultural uses from residential uses. Planning Staff is  
116 submitting proposed ordinance changes pertaining to boundary requirements:  
117

118 Under (N) Buffer Strips, the ordinance language changed is so that a 50 foot  
119 buffer is provided along all property lines that abut non-residential uses.  
120

121 Chairman Needham asked if there were any more comments or questions from the board on  
122 this issue, hearing none he called for a motion. Calvin Leary made a motion to approve the  
123 proposed ordinance changes as submitted by Planning Staff and submit it to the Board of  
124 Commissioners for their consideration. Ray Albertson seconded the motion. The motion  
125 was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members  
126 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting  
127 no; 1 absent; none not voting.  
128

129 ***Item #3 Amendment to Article 151.347(S) (Specific Standards for Firing Ranges) to the***  
130 ***Camden County Code of Ordinances***

131  
132 Dave Parks gave a brief description of this agenda item. E & J Holdings dba Xe (aka  
133 Blackwater) has requested several ordinance amendments to expand specific standards for  
134 firing ranges. Mr. Parks went over each requested change, noting the line numbers.  
135 Regarding line 46 of the proposed ordinance text amendments, Mr. Parks noted that a lot of  
136 the firing ranges belonging to Xe were built to NRA standards, therefore the proposed  
137 strikethrough of the language "or superseded or the National Rifle Association Range  
138 Manual, as amended" would be removed and the language would stand as is without any  
139 modification.

140  
141 Terri Griffin asked why was it even suggested to remove that section initially and what the  
142 difference was between the two handbooks, (NRA and Military handbook standards). Dan  
143 Porter answered saying that Xe came back and had no problem with the NRA standards, but  
144 would also like to be able to utilize Military standards as well if that is a possibility. As to  
145 the question of the difference between the two, Mr. Porter mentioned that Mr. Eddie Hyman,  
146 present tonight, would be able to explain the differences between the two and will show some  
147 drawings of the differences between the two safety zones. At this time, Mr. Eddie Hyman  
148 explained the differences to the board. There are some minor differences in the Military  
149 handbook in regards to the impact zones and distances, caliber projections, and range type  
150 construction. When Xe initially went into business 10 or so years ago, some of the ranges  
151 were built to NRA standards, some were built with Military safety zones in place. Some  
152 ranges will meet 1 standard, some will meet both standards. This is the reason to have both  
153 standards in the ordinance. The Military will come in and inspect for their standards, NRA  
154 inspects for their standards.

155  
156 Terri Griffin asked if there was an opinion on which standard was more stringent. Mr.  
157 Hyman responded with a comparison of a 5.56 military caliber weapon that they train with,  
158 and a civilian 2.23 Remington rifle. They both use the same type of ammunition. Out of a  
159 civilian gun using this round, it travels about 300 yards further than military, so the impact  
160 and safety zone for military handbook classification is less than the NRA impact and safety  
161 zones. This indicates that the NRA standard is more stringent.

162  
163 Mr. Hyman then showed maps depicting locations of ranges, with range safety zones mapped  
164 out. He explained the zones and what type of weapon each safety zone related to. These  
165 zones match the current County Ordinance which maps out (in writing) the specific standards  
166 for the downrange safety zones. He then stated that Xe wants the ordinance amended such  
167 that the downrange safety zones correlate to the maximum range of the type of firearm being  
168 used for each type of range.

170 Terri Griffin asked what would happen to the land if it was sold and ceased being a firing  
171 range for military, and became a different kind of range. With the ordinance in place set up  
172 for military standards, it would not be in compliance for civilian type guns. Mr. Hyman  
173 restated that the civilian type rifles shoot ammunition further than the military issue rifles, so  
174 yes if the range is set up for military, and land was sold and the range was converted into a  
175 civilian shooting range, it would not be in compliance with the downrange safety zones for  
176 civilian ranges. Mr. Hyman went on to say that Xe wants to limit the types of weapons used  
177 on ranges so that the downrange safety zone is based on the distance/range of the weapon  
178 that the firing range is approved for.

179  
180 Calvin Leary asked Mr. Hyman if only the Military handbook was being used for section (8)  
181 of the ordinance. Mr. Hyman responded saying that Xe would like for both the NRA and  
182 Military handbooks to apply. Dave Parks stated that there was language that would be added  
183 in. He then read the language: "For those ranges constructed in accordance with the NRA  
184 range manual, the downrange safety area shall not apply, but the permit holder shall provide  
185 documentation on approval of said ranges by the NRA sponsored team of inspectors  
186 annually."

187  
188 Terri Griffin asked Mr. Hyman to explain what Mr. Parks read. Mr. Hyman indicated that  
189 NRA ranges are designed for full containment, in that they are built with hills to absorb the  
190 impact of whatever type of ammunition is being used at the range. This way the dirt of the  
191 hill will keep the ammunition from traveling outside of the range itself.

192  
193 At this time, Mr. Parks went over the rest of the ordinance changes. He noted the following:

194  
195 In section (11), the proposed change to 200 feet for setbacks for backstops  
196 from any property line is being rolled back to the original 900 feet, and no  
197 change will be made to section (11).

198  
199 Section (13) refers to section (19) which requires a special use permit.  
200 Section 13 limits the types of weapons used at a firing range, unless set as a  
201 condition of a special use permit. The proposed removal of the reference to  
202 the NRA Range Manual is being rolled back such that the reference to the  
203 NRA manual will stay in the ordinance.

204  
205 Section (14) refers to section (19) which requires a special use permit.  
206 Section 14 prohibits the use of concussion explosives unless set as a condition  
207 of a special use permit.

208  
209 Section (15) also refers to section (19) and lists prohibited training types,  
210 unless set as a condition of a special use permit.

211  
212 Section (17) adds that the overnight or temporary storage of explosives must  
213 meet the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE)  
214 storage and stand-off safety standards. This section also changes the agency  
215 reference from the Department of Defense to the BATFE wherein the  
216 standards reside.

218 Section (18) is a new section and states that each firing range be posted stating  
219 the type of firearm and caliber allowed for use at that range.

220  
221 Section (19) changes the prohibition such that conditions can be set for special  
222 use permits to allow other types of activities.

223  
224 At this time Ms. Kate McKenzie, associate counsel for E & J Holdings dba Xe Services (aka  
225 Blackwater) spoke. She read a statement of the history, goals, etc., of Xe, which describes  
226 their training facilities and operations. Following the brief statement, she indicated that Xe  
227 wanted to add a request to add to the language of section (13) to address and allow for  
228 demonstrations of weapons by properly licensed and trained vendors. She further went on to  
229 indicate that in section (15), Xe doesn't participate in any of the training types except military  
230 and law enforcement, and she supported deleting all but the aforementioned training types  
231 from the ordinance.

232  
233 Terri Griffin questioned what Ms. McKenzie said in regards to section (15). Ms. Griffin  
234 indicated that the ordinance should not apply to just one agency. Dan Porter responded to  
235 this saying that the ordinance is across the board and that all the training types should be left  
236 intact, since the ordinance applies to everyone, not just Xe.

237  
238 At this time, Chairman Rodney Needham asked the public present at tonight's meeting if they  
239 had any questions.

240  
241 Mr. Michael Hall of Moyock, NC spoke. He was concerned about the hours of Xe, caliber of  
242 weapons used at Xe, etc. He was mistakenly referring to the ordinance asking why these  
243 things were not in the ordinance, Ms. Terri Griffin informed him that the ordinance is not  
244 where those items are set... those items are addressed in a special use permit. The ordinance  
245 applies to everyone equally, not just Xe. Dan Porter added that all firing ranges in the county  
246 are required to come before the Planning Board, and then the Board of Commissioners to  
247 obtain a special use permit for the operation of a firing range. Mr. Hall also suggested that  
248 when showing an ordinance on a projector screen, it would be helpful if the changes were  
249 color coded so that the public present could more readily understand what those changes are.

250  
251 Ms. Holly Kanowitz, of Camden, spoke next. She asked for clarification regarding the  
252 difference between the ordinance itself and the need for a special use permit. Dave Parks  
253 explained to her that the ordinance applies to everyone as a guideline for, among other  
254 things, applications for special use permits wherein specific issues relating to requests of the  
255 applicant are addressed.

256  
257 Vice Chairman Terri Griffin spoke to the public present, saying that the Planning Board is  
258 still on Agenda Item #3 which relates to the ordinance. Most of the public present were here  
259 for Item #4, which is the agenda item relating to the request by Xe (formerly Blackwater).

261 Ms. Sherry Motes, of Moyock NC, spoke next. She asked why Xe was speaking on this  
262 matter if the ordinance applies to everyone across the board. Dan Porter explained that if the  
263 Planning Department had addressed Xe's initial request the way they requested it, there  
264 would be a whole number of items to address. And so the Planning Department is addressing  
265 their request as a request to change portions of the *ordinance*, and presenting those  
266 recommended *ordinance* changes to the Planning Board. The only other item has to do with  
267 the change in the ordinance regarding safety zones, which were requested by Xe, that were  
268 mentioned by Mr. Hyman. The Planning Department is in agreement with Xe regarding the  
269 requested safety zone ordinance changes, that is the reason why they are partly involved in  
270 the general discussion of the ordinances for firing ranges.

271  
272 Mr. Troy D Breathwaite, of Moyock, spoke next with a few comments. He mentioned that  
273 there was a similar ordinance change that has recently been undertaken in Currituck. Also,  
274 he mentioned that the 'downrange safety zones', as presented by Mr. Hyman, do extend into  
275 Currituck County. Dan Porter responded to these comments and is quoted as follows:

276  
277 "We have been in touch with the Planning Department over in Currituck, and I've talked a  
278 couple of different times with Ben Woody, their Planning Director. I have actually received  
279 a copy of the actions they took about a week or two ago. The range safety zones are similar,  
280 I think they are exactly the same, Mr. Hyman may be able to talk to that, but I believe that  
281 they are exactly the same as what was approved over in Currituck County. One of the  
282 biggest differences, and Currituck County is just now beginning to address this, when we had  
283 to address the issue of firing ranges for Blackwater back in 1997, so we addressed it as a  
284 firing range. Obviously, their activities have grown. And as they have grown, they have  
285 come before this board and the Board of Commissioners for a couple of different special use  
286 permits. And we have amended their special use permit and this ordinance to some degree  
287 over a period of years. When Currituck addressed this, they basically established a whole  
288 new zoning category for, and I don't know exactly what it is called, but it is a training type of  
289 facility, so while we piecemealed a number of different permits to allow them to do a number  
290 of different things, Currituck had the experience of seeing how it had grown, and been able to  
291 draw its zoning classification specifically for a training facility of this nature. So there are  
292 some differences in that manner. What we have done, again we didn't have the luxury of  
293 knowing what was there before we drew up our ordinance, so we addressed the firing range  
294 activities as a firing range. When they expanded and did some of their other activities, they  
295 actually came in and got special use permits for those specific activities. But those are not  
296 related to the firing range."

297  
298 At this time, Chairman Rodney Needham asked if there were any other questions or  
299 comments. Hearing none he called for a motion. Calvin Leary made a motion to adopt the  
300 amendments to 151.347(s) (specific standards for firing ranges) to the Camden County Code  
301 of Ordinances as proposed by the Planning Department. Fletcher Harris seconded the  
302 motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri  
303 Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge  
304 voting aye; none voting no; 1 absent; none not voting.

305

306 ***Item #4 Request from E&J Holdings to amend Conditional Use Permit for their Firing***  
307 ***Range Facility***  
308

309 Dave Parks gave a brief description of the request made by E&J Holdings dba Xe (formerly  
310 Blackwater). Mr. Parks read the conditions of the proposed re-adopted special use permit  
311 indicating which conditions were new and which were prior conditions of the original  
312 Conditional Use Permit, issued back in 1997. Those conditions are as follows:  
313

- 314 1. The applicant must strictly abide by all requirements of the Unified  
315 Development Ordinance of Camden County, North Carolina, and must  
316 also strictly comply with all other local, state, and federal ordinances,  
317 laws, rules, and regulations as one or more ordinances, laws, rules, and  
318 regulations may apply to this development. (New - Standard condition  
319 on all permits - was not on original Conditional Use Permit)
  - 320 2. Reputable firm designing the facility. (Old)
  - 321 3. Camden County FFA and law enforcement agencies to use these  
322 facilities free of charge. (Old)
  - 323 4. There shall be no dogs used for hunting. (Old)
  - 324 5. Designed in accordance with all Camden County, State of North  
325 Carolina and Federal Building Codes. (Old)
  - 326 6. Weapons type restrictions shall include machine guns subject to the  
327 physical constraints of the property, for use only by any law  
328 enforcement, military, or federal agency group duly authorized to use  
329 these style weapons. (New)
  - 330 7. Permitted up to 60 ranges and that any future requests shall be addressed  
331 in blocks of ten (10). (Old)
  - 332 8. Paintball activities authorized for Federal and Governmental agencies  
333 only. (Old - Amended in 2002 by BOC to include Paintball activities)
  - 334 9. No business access through George Wood Farms, Inc. property (where  
335 the present right of way exists). (Old)
  - 336 10. Military, para-military or militia type activities or maneuvers, including  
337 but not limited to hand-to-hand combat training, maritime training,  
338 swamp, or guerrilla warfare techniques, incendiary type firings,  
339 infiltration course type training, shall be permitted for use by law  
340 enforcement, military or federal agency groups only. (New - Xe wants  
341 to strike out phrases '*para-military or militia*' and '*hand-to-hand combat*  
342 *training, maritime training, swamp, or guerrilla warfare techniques*'.)
  - 343 11. No unit tactics shall be taught to civilian groups. (Old)
  - 344 12. No training or fire arms use shall be taught to convicted felons. (Old)
  - 345 13. Hours of operations shall be from 7:00 AM to 10:00 PM daily. (Old)
- 346



Mr. Parks then read the request by E&J Holdings dba Xe wherein they requested amendments on the types of explosives they may use, and the allowed hours of operation for their facilities. Mr. Parks indicated that, based on information gathered from Xe and from Currituck County, the Planning Department is in favor of approval of inclusion of concussion type explosives as indicated below as a condition of the special use permit. The language of both requests appears below:

Explosives type request:

"Concussion type explosives shall be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives. The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution."

Hours of operations request:

"During the months of Eastern Standard Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 10:00 PM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. During the months of Daylight Savings Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 12:00 AM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. No firing or explosive training activities shall occur on Christmas Day."

At this time, Mr. Parks asked Ms. Katherine McKenzie to step up to the podium and explain their need for extended hours of operation. Ms. McKenzie said that most law enforcement activities (swat team, drug enforcement) occur at night, as such their training and certification must also occur at night. She mentioned that during daylight savings time there is more daylight during the night time hours leading up to 10:00 PM, and so to maximize the amount of after dark training available to their clients, they want to extend their hours to Mid-Night during daylight savings time.

Calvin Leary asked Ms. McKenzie why Xe is requesting an extension of 2 hours when daylight savings time only affects 1 hour. Ms. McKenzie re-iterated that there is more daylight during the night time hours leading up to 10:00 PM, and wants to maximize the amount of after dark training available to their clients. Also, one of the range masters from Xe mentioned that during the winter months it gets darker sooner, but during the summer months it stays light outside up until 9:30 PM, which only gives 1/2 hour of night training. Extending only 1 hour would still only give 1-1/2 hour of training, so that is the reason for asking for the 2 hour extension on operational time during daylight savings time.

387 Vice Chairman Terri Griffin asked Ms. McKenzie if Xe had been operating contractually  
388 under the 10:00 PM closing time. Ms. McKenzie said they had. Mr. Jim Sorosky, Vice  
389 President for Training Operations for Xe Services, said they had been cooperating with the  
390 Virginia Beach Police Department in their training to try to keep it around 10:00 PM. Dave  
391 Parks asked what the time frame for 1 training evolution was. Mr. Sorosky responded that it  
392 depends on how many officers they have training at any one given time. Range Master  
393 Randy [??? last name not able to be understood on recording] said that it could take 30  
394 minutes if training only a few persons or it could be up to 2-3 hours if training a whole group  
395 (20-30 persons) or more than 1 group.

396  
397 Calvin Leary asked why they didn't just reduce the number of applicants training in any one  
398 given session. Mr. Sorosky answered saying that those training were not what he referred to  
399 as open-enrollment customers, rather they are the law enforcement community who need to  
400 train and receive certification qualifications. Mr. Leary then asked about groups of 20, and  
401 asked if they only took the group of 20 one time, or do they train several times. Vice  
402 Chairman Terri Griffin asked how often do they have groups of 20. Mr. Sorosky answered  
403 that they have groups of 20 quite often.

404  
405 Ms. Griffin then asked how long had Xe been in a contract with Virginia Beach. Mr.  
406 Sorosky answered saying they have been in a contract with Virginia Beach since 2005. Ms.  
407 Griffin asked why the time has just now become an issue. Ms. McKenzie answered saying  
408 that they have asked for a time extension 2 other times, but ultimately withdrew their  
409 requests because of public opposition. Ms. McKenzie indicated that their operations are  
410 getting to the point that they feel they need the time extension now. She added that since  
411 they were proposing other changes to their permit, that now would be the time to request the  
412 time extension as well.

413  
414 Ms. Griffin asked who the competitors were for the types of services that Xe provides. Mr.  
415 Sorosky answered and listed a few of them. Ms. Griffin then asked if there were any time  
416 restrictions on them. Mr. Sorosky answered saying he did not know. Mr. Eddie Hyman  
417 spoke saying he had a map of the locations of the surrounding ranges. Ms. Griffin said that  
418 the Planning Board was mainly concerned with the hours of operation of the other ranges and  
419 how that would impact Xe competitively. Mr. Sorosky responded saying that it was indeed a  
420 very competitive market, and said that things like this could send their customers to the  
421 competition.

422  
423 Ms. Sheryl Frasier, of Camden NC, asked why Xe wanted extended hours for all of the  
424 daylight savings time months when the summer months are the only months they need.  
425 Summer months have the longest daylight days, spring and fall have much shorter daylight  
426 days. It didn't make sense for Xe to request all of daylight savings months, when they only  
427 need summer months.

429 Ms. Griffin added to Ms. Frasier's comments, saying that since daylight savings time was  
430 adjusted on both ends, the laws effectively gave an extra month on each end. Ms. Griffin  
431 indicated that if the Planning Board were to approve a change in hours because of daylight  
432 savings time, then if the laws changed again so that daylight savings time were 12 months  
433 out of the year, Xe would effectively have a permanent closing time of Midnight due to  
434 daylight savings time.

435  
436 Mr. Troy Breathwaite spoke next saying that he as well did not see any need for the extended  
437 hours during all of daylight savings time months, when there are only 2 months out of the  
438 year that have less than 2 hours between sunset and 10:00 PM. He mentioned a chart he  
439 obtained which shows the sunrise and sunset times for the entire year.

440  
441 (As an aside: after the meeting, Mr. Breathwaite gave a copy of the chart to the Planning  
442 Board Clerk, also the chart can be obtained online from a US Navy website at the following  
443 webpage: [http://aa.usno.navy.mil/data/docs/RS\\_OneYear.php](http://aa.usno.navy.mil/data/docs/RS_OneYear.php).)  
444

445 After Mr. Breathwaite's comments, Ms. McKenzie spoke saying that on behalf of Xe, she  
446 wanted to modify the request for extension of time such that 'for the months of June, July,  
447 and August' would be added to the language of the request instead of all of daylight savings  
448 time. Also, Ms. McKenzie pointed out that there was a typo in the request, it should have  
449 read in part 'prior to 12 PM on Sunday' such that no activities would take place prior to noon  
450 on Sunday.

451  
452 Next, Ms. Juanita Krauss of Moyock NC spoke. She praised Xe / Blackwater as being the  
453 best operation of any on the East Coast with regards to hours of operation in that it stays open  
454 the longest in order to serve it's clientele. She said that most ranges have hours of 'dawn till  
455 dusk'. She questioned the explosives being allowed to take place at night time hours. She  
456 was concerned about the request which if granted would allow explosives right up until  
457 midnight. In her opinion, explosives should stop at 8:00 PM, but shooting could continue  
458 until closing. She expressed her concern that the geographical area wherein Xe / Blackwater  
459 resides is a large area and has a large amount of residential neighbors. She wants the right  
460 regulations to be in place such that there could be good relations between Xe / Blackwater  
461 and their neighbors.

462  
463 Next, Sheriff Tony Perry of Camden County spoke. He passed out a map and copy of  
464 complaint details listing 10 Currituck County Communications complaints, 1  
465 Pasquotank/Camden Communications complaint, and 2 Camden County Sheriffs Department  
466 complaints against Blackwater. The map showed the number of miles between the  
467 complainant and Xe / Blackwater. These complaints were dated between March of 2007 and  
468 January of 2009. He pointed out one of the complaints which stated gunfire after 2:00 AM,  
469 when according to the conditions of the Conditional Use Permit, activities should have  
470 ceased at 10:00 PM. Another complaint was on a Sunday and a church pastor had to stop  
471 morning worship services due to the noise created by explosions. Sheriff Perry said he spoke  
472 with Gary Jackson who said he would take care of this. Other complaints were of loud  
473 explosions that made windows shake, houses rattle, walls vibrate, etc.  
474

475 Sheriff Perry voiced strong opposition to the issue of hours, and stated for the record that in  
476 his opinion the hours of operation should be from 8:00 AM until 5:00 PM Monday through  
477 Saturday (and NO SUNDAY). He also made mention of the fact that the Sheriff's  
478 Department has their own range and has not trained at Xe / Blackwater in the last 8-10  
479 months.

480  
481 Next Mr. Larry Johnson of Camden NC spoke. He spoke about the ongoing ambient noise  
482 and how it may impact the Navy's noise study for the OLF. Mr. Johnson's concern is that the  
483 Navy may see the amount of noise coming from Xe / Blackwater and question why those in  
484 opposition to the OLF are using noise as a factor in their opposition. Mr. Johnson said that  
485 he doesn't want the Navy to get the idea that residents will put up with the noise from Xe /  
486 Blackwater, and use that as leverage to place the OLF in Camden County. He added that  
487 para-military type of training or activities might be a signal to the Navy that military  
488 activities are compatible with Camden County. This is a message that those against the OLF  
489 do not want to send.

490  
491 At this time, Ms. McKenzie returned to the podium to address the late night noise issues.  
492 She said that Xe / Blackwater trains about 25,000 students per year. They shoot about  
493 21,918 rounds per day on average. From March of 2007 to January 2009 there were 13  
494 complaints against Xe / Blackwater. She then showed to the Board a map showing training  
495 ranges, airspace bombing ranges, etc that are in use by other law enforcement agencies and  
496 the US Military. That map showed off-shore training airspace and bombing ranges which  
497 could be the source of loud explosive sounding noise. Some of those ranges include the  
498 Northwest Range, a C2 Range, offshore Navy bombing ranges off of Dam Neck and out in  
499 the ocean, Harvey Point, etc. Her reason for showing the map is to illustrate that not all of  
500 the noise is coming from Xe / Blackwater property.

501  
502 Vice Chairman Terri Griffin asked if any of the complaints had been traced back to any  
503 activity happening at that time. One of the Range Masters present at the meeting answered  
504 saying that after they received the report showing the 13 incidents from Sheriff Perry, they  
505 went through their explosive logs, range boards, etc and broke down the complaints in an  
506 effort to identify the incidents. Out of the 13, only 1 fell outside of the 8:00 AM to  
507 10:00 PM, that was at 2:07 AM. Everything else fell inside of the timeframe of the allowed  
508 hours of operations. He went on to say that not all of the incidents were related to activities  
509 at Xe. For example, there was a complaint from a person on Knotts Island. There is an  
510 offshore bombing range near Knotts Island and is probably what that person heard.

511  
512 The Range Master went on to say that as for the explosions, he and 2 fellow Range Masters  
513 are the ones who light off the explosions and they do not light off after dark for safety  
514 reasons. He said that he needs to be able to see what is between himself and the charge when  
515 it is lit off, for the reason that if anything is in front of him it is a 'go or no go' situation. If  
516 there is anything or anyone in front of him, he doesn't light it off until the field in front of  
517 him is clear. He further stated that they do use what are termed door breaching charges,  
518 which are set off after dark. These are the types of charges that will open a locked or  
519 barricaded door. As stated by Ms. McKenzie earlier, the after dark activities which use  
520 explosives are SWAT team type activities, where door breaching charges would be utilized.

522 The Range Master also said that he had the opportunity to speak to a Shawboro complainant  
523 on the phone one day. She had asked him 'When are you all going to stop the explosions?  
524 You are driving my dogs nuts!'. He responded to her saying that Xe had not yet started any  
525 explosions for the day and asked her if she could possibly be hearing something from Harvey  
526 Point, to which she said 'What's Harvey Point?'. This illustrates that the public does not  
527 know about the other facilities where explosives training takes place.

528  
529 The Range Master said that Harvey Point sets off large charges, Xe's charges are up to 4  
530 pounds. The charges that Xe is using at night are called door breaching charges and have a  
531 net weight of 1.5 ounces, which is the maximum that can be safely used on a house door  
532 without damaging the structure. They set the charge, back off about 4 feet and set them off.  
533 They do sound loud, but door breaching charges will not be able to be heard at the distances  
534 detailed in the complaints. The Range Master then offered to set up a demonstration to show  
535 the level of noise created by a door breaching charge. This offer was not commented on by  
536 any member of the Board.

537  
538 Ms. McKenzie then spoke regarding the noise ordinances. She said that Xe observes 75  
539 decibels at all times. She said that they are bound by law to observe 75 db. She stated that  
540 Xe has installed decibel meters in Currituck County, and she offered to donate decibel meters  
541 to Camden County so that readings may be taken from within Camden County.

542  
543 Ms. Juanita Krauss returned to the podium to speak again. She said that if the Planning  
544 Board approves a change in the hours, it will put a strain on law enforcement in both counties  
545 (Camden and Currituck) because there will be elevated numbers of complaints from  
546 residents. She further said that she and others will want to have a letter of agreement from  
547 the county stating that there will be a hotline to call for complaints so that 911 services do not  
548 have to be utilized for this. She went on to say that in Currituck they structured a use for  
549 ranges that would end shooting at 10:00 PM. To quote Ms. Krauss, "Literally as soon as the  
550 [Currituck] ink dried, we hear about this on the other side. Its to me, its almost like we're  
551 being played. Its not right. We're just asking for some respect here, that's it. We're asking,  
552 there's a community here and we're asking for respect. And you're going to, I'm telling you,  
553 human nature is, we're going to hear it more, and your police department, your sheriff's  
554 department is going to be taxed and I don't think its a good idea."

555  
556 Vice Chairman Terri Griffin asked Xe representatives if they would be willing to reconsider  
557 their request regarding the hours of operations, since they now have 2 extra months due to  
558 the recent change in daylight savings time.

559  
560 Mr. Jim Sorosky spoke up and said that they could stop the explosions at dusk (the 1.5 pound  
561 explosions). Ms. Griffin reminded him that the Xe Range Master had already said they didn't  
562 do those explosions after dark anyway. After Ms. Griffin's comment, the Range Master  
563 spoke up and explained again that the types of explosives used at night are not the same as  
564 the ones used during daylight. He has to be able to see the charge and see what is between  
565 himself and the charge for safety reasons. Large explosives are not done after dark due to the  
566 safety concerns. Door breaching charges (which use 1.5 ounces of explosive material) and  
567 flash bangs, are the only explosives utilized after dark.

At this time, Chairman Rodney Needham asked if there were any other members of the public present who would like to speak.

Ms. Sherry Motes of Moyock NC stepped to the podium to speak. She said that she was one of the complainants that Sheriff Perry spoke of earlier. On 2 occasions, she called a Xe employee to inquire about incidents. Ms. Motes said that the Xe representative she spoke to admitted to Xe's involvement in the occurrence of the incidents. In one of the incidents, a swat team had been coming back after 12 AM and stopped by Xe to get in a little bit of training. Ms. Motes further stated that she spoke to representatives from Virginia Beach Police Department, who according to Xe is one of their largest contracts and is the motivation behind the request to extend their hours. Virginia Beach PD says that Xe tells them to wrap up around 9:15 so they can be done and out by 10 PM. Ms. Motes thinks Xe is misrepresenting their motives, and went on to say that in her discussions with Virginia Beach Police Officials, specifically the commanding officer in charge of training, Virginia Beach PD never requested Xe to extend their hours. Ms. Motes also said that Virginia Beach PD has said to her that there was no chance of Xe losing their contract because they have no other place to go, there is no other facility that can handle the over 800 officers that are in the employ of Virginia Beach.

Calvin Leary asked Ms. Motes if she could get a statement in writing regarding the "never requesting to extend" from the commanding officer in charge of training for Virginia Beach Police Department.

At this time, Vice Chairman Terri Griffin made a motion to table this issue pending further investigation. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

#### **Information from Board and Staff**

There was no information from board and staff.

#### **Consider Date of Next Meeting – April 15, 2009**

#### **Adjournment**

At 9:31 PM, Calvin Leary made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Amy Barnett, Planning Clerk